



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

SECOND DRAFT BY-LAW NO: 90-58-95

**BY-LAW AMENDING ZONING BY-LAW NO. 90-58 IN
ORDER TO ENSURE CONCORDANCE BETWEEN
CHAPTER 5 “GENERAL PROVISIONS GOVERNING
THE TREATMENT AND USE OF OUTDOOR AREAS”
AND THE PROVINCIAL RESIDENTIAL SWIMMING
POOL SAFETY REGULATION**

DRAFT

ADOPTION PROCEDURE

Notice of motion:	May 4, 2020
Adoption – First draft:	May 4, 2020
Publication:	May 11, 2020
Written consultation:	End May 26, 2020
Adoption – Second draft:	June 9, 2020
Publication:	June 15, 2020
Application request:	
Registration procedure:	
Adoption of by-law:	
Certificate of conformity:	
Publication:	
Coming into force	

- WHEREAS the government has adopted the Residential Pool Safety Act which allows it to establish standards for the safety of residential pools;
- WHEREAS local municipalities are responsible for ensuring compliance with the regulation adopted by the government;
- WHEREAS all members of council present declare having read this draft by-law and renounce to its reading;
- WHEREAS the Preamble forms an integral part of this by-law;

MUNICIPAL COUNCIL DECREES THE FOLLOWING:

ARTICLE 1

The paragraph c) “*Compulsory fences for inground swimming pools*” of article 5.7 “*Swimming Pools*” is repealed and replaced by the following paragraph c) “*Mandatory permanent enclosure for an in-ground and semi-inground pool or an above-ground, inflatable, removable pool and spa with a capacity exceeding 2,000 litres requiring the installation of an enclosure*”:

“c) *Mandatory permanent enclosure for an inground and semi-inground pool or an above-ground, inflatable, removable pool and spa with a capacity exceeding 2,000 litres requiring the installation of an enclosure*

Except for above-ground pools conforming to the provisions of paragraph d) of this article, any pools more than 45 cm deep at any spot must be surrounded by a main permanent enclosure at least 1.85 metres high.

The enclosure must be installed on or near the property lines and in the extension of side walls of main building while always maintaining a free space of at least 1.2 metres in width all around the swimming pool, between the enclosure and the edge of the pool.

In addition to the main permanent enclosure, a secondary permanent enclosure must be installed to create a closed enclosure and separate the swimming pool from the building as well as the rest of the backyard, which includes an adjoining terrace or patio and its stairs. The required secondary enclosure must be installed so that it separates any opening of the main building (door or window) from the swimming pool. The secondary permanent enclosure must have a minimum height of 1.2 metres, measured on the outside between the ground level and the top of the enclosure.

A gate must be installed to enter inside an enclosure. Such gate must be equipped with a self-closing device and an automatic latch the latch must be placed on the inside of the enclosure at the top of the gate and the enclosure. The latch of a gate designed to enter the interior of a secondary permanent enclosure must be locked or padlocked when the pool is not under the direct supervision of an adult. The design and location of fences and gates, as well as the materials used, must be submitted to the Building Inspector for approval. No swimming pool can be filled before all safety measures are effective.

For the purposes of this article, the height of an enclosure must be measured from the ground level at any point, measured one (1) metre away from the base of the enclosure, to the top of the enclosure, excluding columns. The openings in the enclosure must be small enough to prevent a sphere measuring 10 cm in diameter from passing through. The distance between the ground and the bottom of the enclosure must not exceed 10 cm; the main components of the enclosure must be vertical and arranged in such a way to prevent any irregularity or opening which could facilitate climbing, at least on the outside.” A hedge or bushes do not constitute a permanent enclosure.

ARTICLE 2

The paragraph d) “*Safety considerations for out-of-ground pools*” of article 5.7 “*Swimming Pools*” is amended by the addition, at the end of the paragraph, of the following sentence:

“If access is from a terrace attached to the residence, it must be designed so that the part opening onto the pool is protected by a secondary permanent enclosure installed in accordance with the provisions of the preceding paragraph.”

ARTICLE 3

The paragraph e) “*Safety ladders*” of article 5.7 “*Swimming Pools*” is amended by the following modifications:

- a) The replacement of the words “*safety ladder*” by the words “*ladder equipped with a safety door that automatically closes and locks to prevent its use by a child.*”

ARTICLE 4

The following paragraph i) “*Operating device*” is added to article 5.7 “*Swimming Pools*”:

“(i) Operating device and structures

Any device related to the operation of the pool or any other structures must be installed more than one (1) metre from the pool wall or, depending on the situation, from the enclosure in order to prevent a child from climbing to access the pool. The pipes linking the device to the pool must be flexible and must not be installed in such a way as to facilitate climbing.

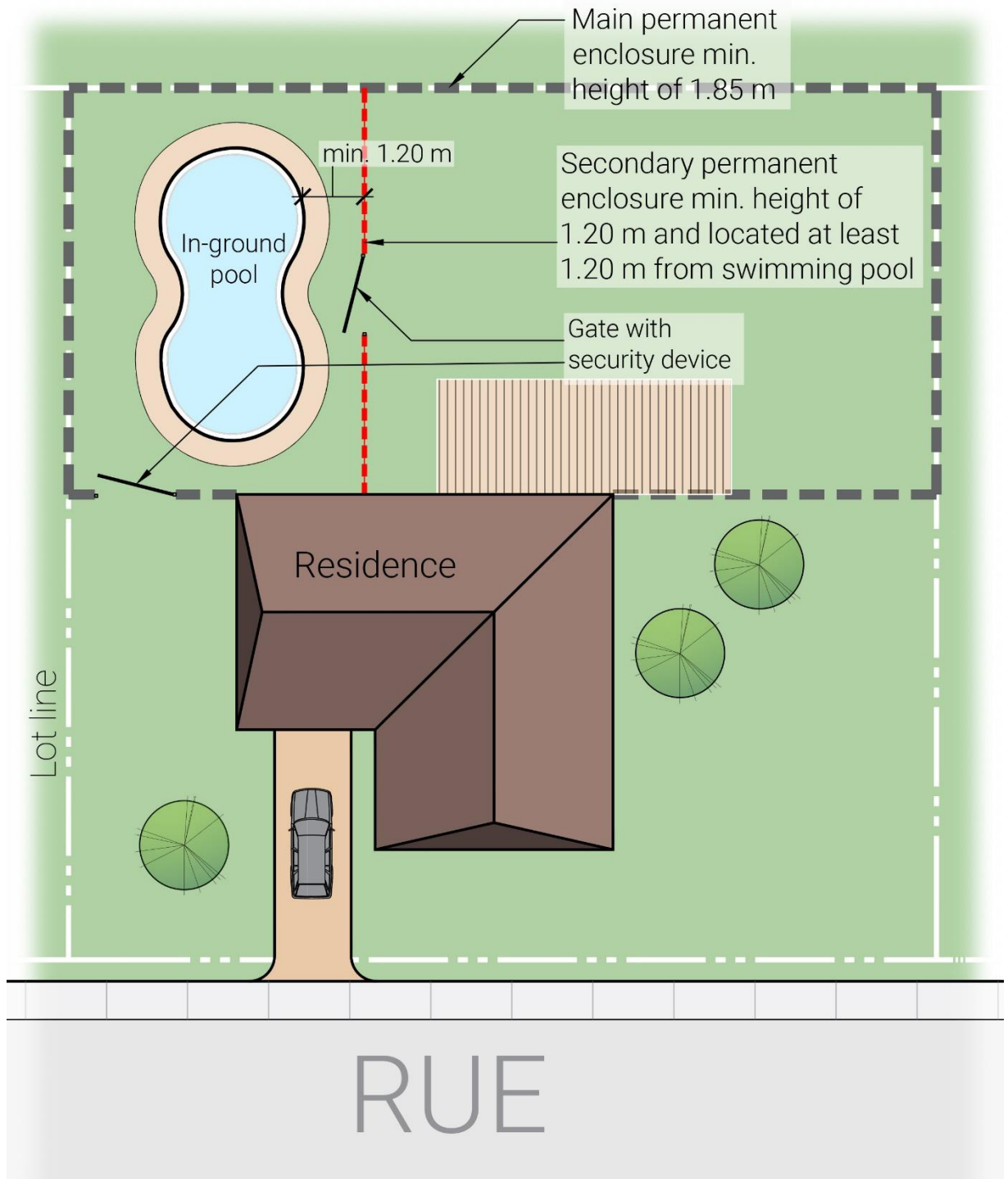
Notwithstanding the first paragraph, any device may be located less than one (1) metre from the pool or enclosure when it is installed:

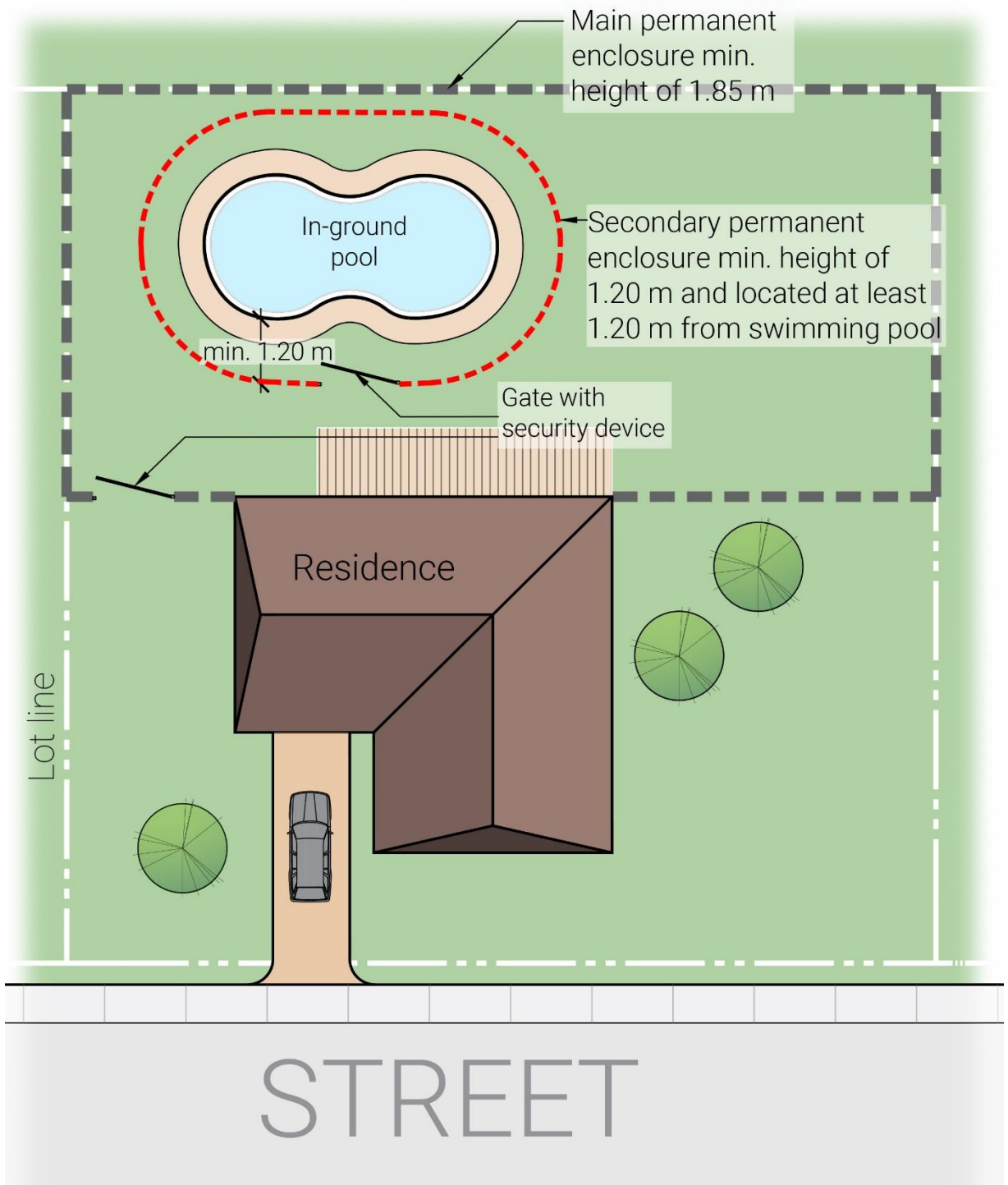
- *Inside the enclosure of an in-ground pool that complies with the provisions of paragraph c) Mandatory enclosure for an in-ground pool or other pool requiring the installation of an enclosure*
 - *Under a structure that prevents access to the pool from the device*
 - *In a shed*

Any installation intended to give or prevent access to the pool must be maintained in good working order.”

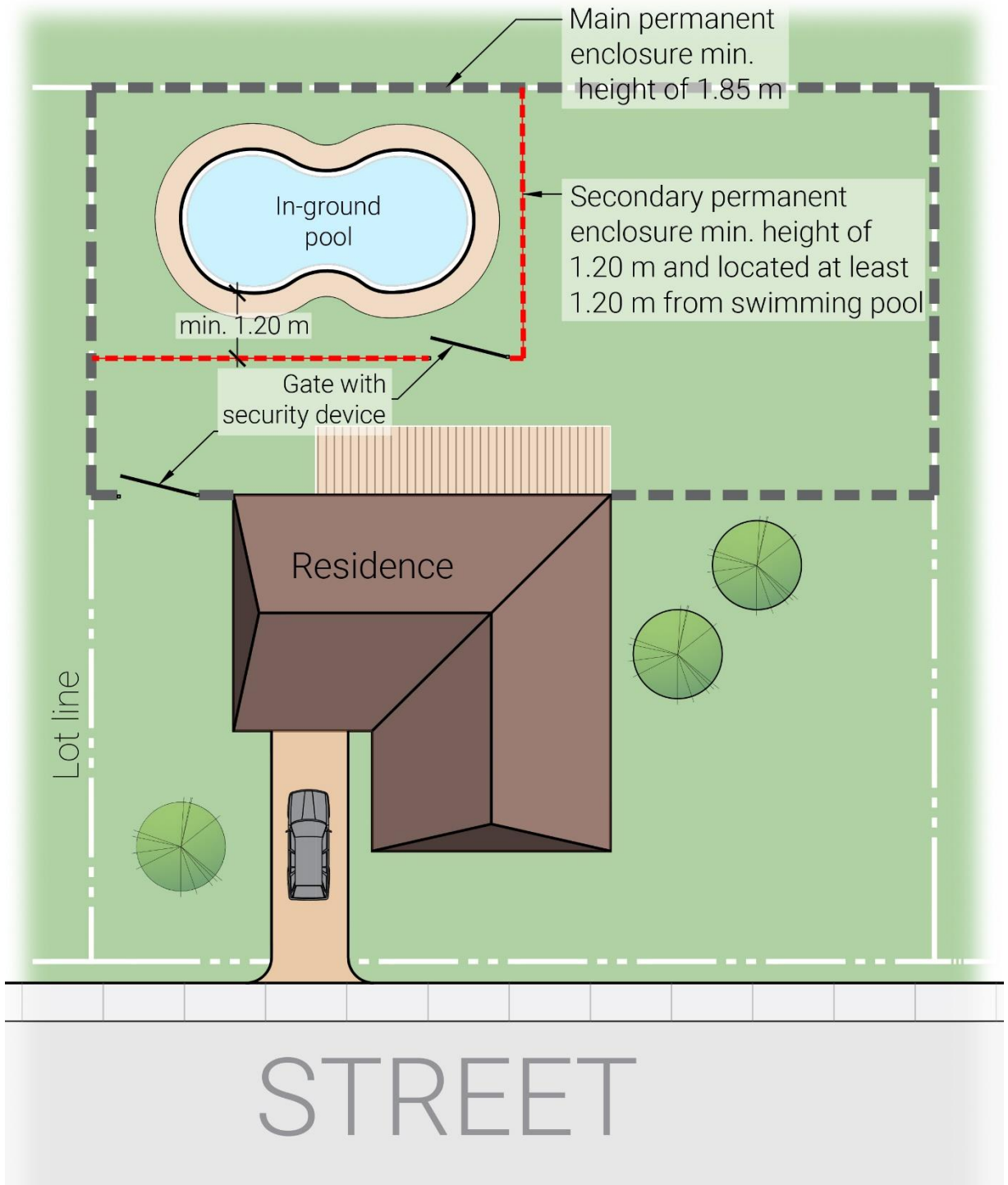
ARTICLE 5

The following figures “*Installation of enclosures around a swimming pool*” are added at the end of paragraph c) of article 5.7 “*Swimming Pools*”:

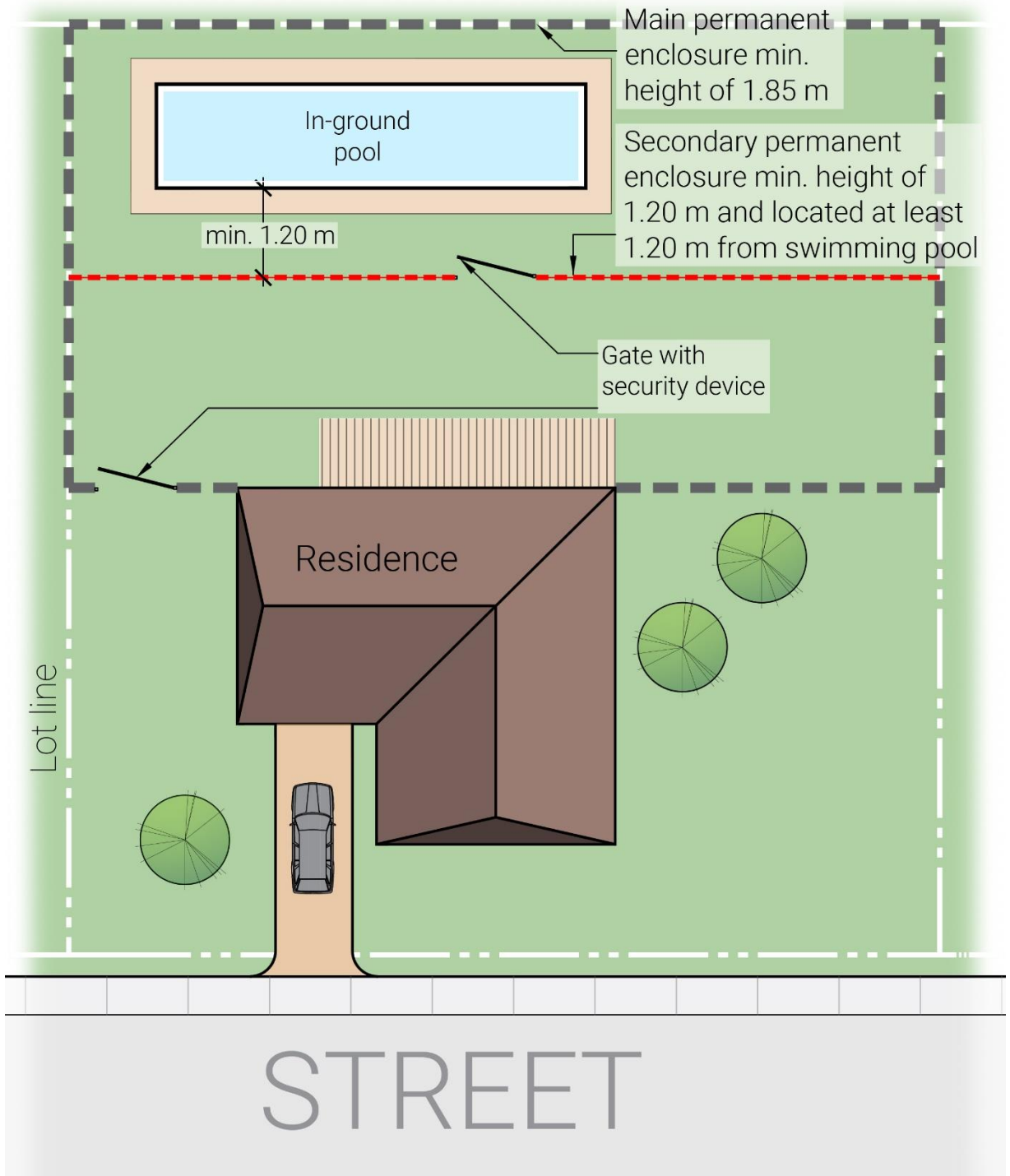




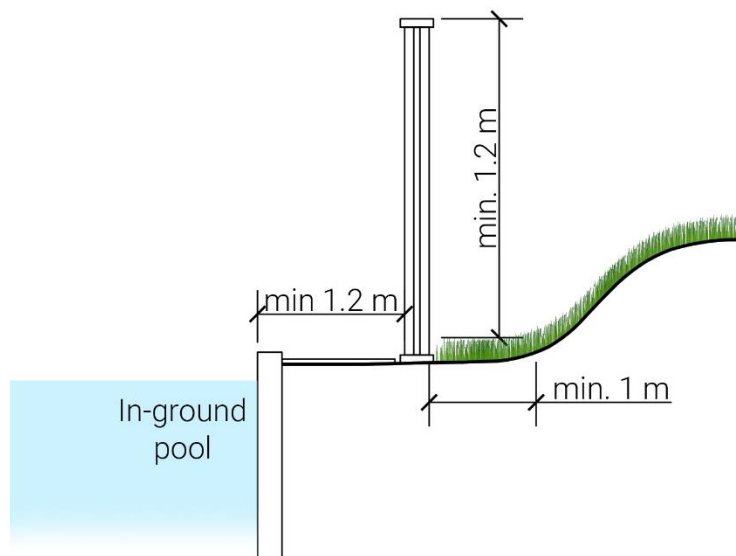
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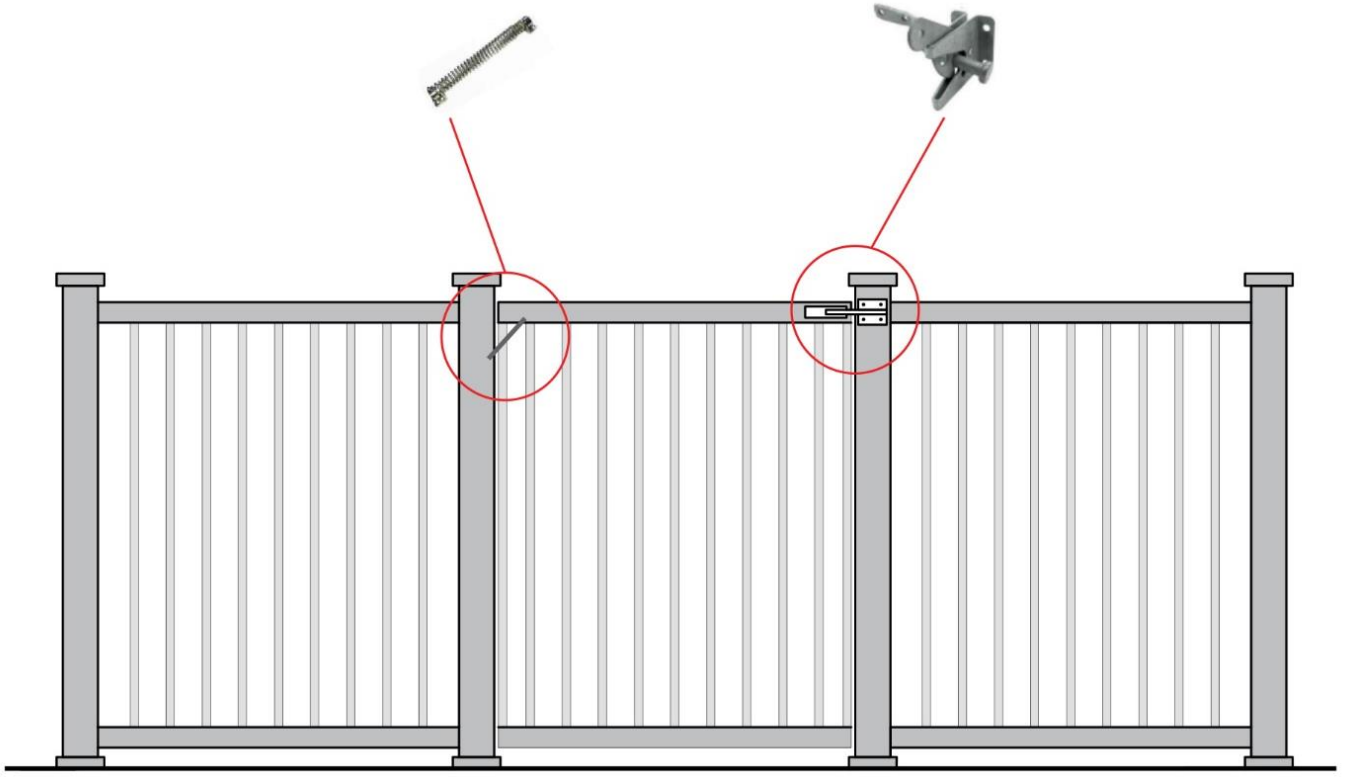


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The following figures "Calculation of the height of an enclosure and example of a latch and automatic gate closing mechanism" are added after the previous figures:

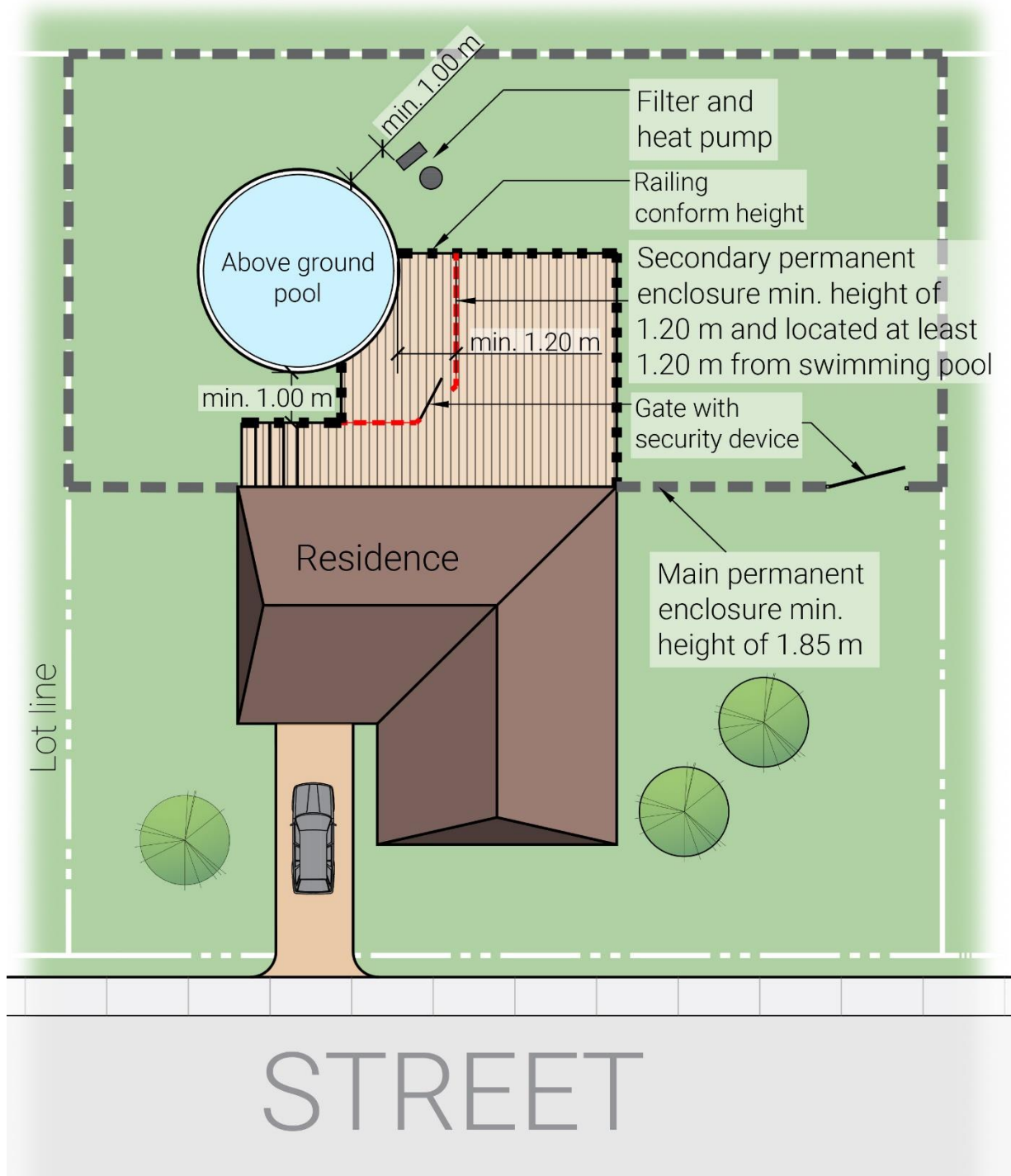




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ARTICLE 6

The following figure "Installation of a secondary permanent enclosure on a terrace with access to a swimming pool above ground" is added to the end of paragraph d) of Article 5.7 "Pools"



ARTICLE

The present by-law comes into force according to law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk and Director of Legal Affairs